



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RINAT HAFIZOV,

Plaintiff,

- against -

BDO USA, LLP, et al,

Defendants. :  
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22-CV-8853 (JPC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order follows up on Defendant's request to require Plaintiff to de-designate as Confidential under the governing protective order 25 pages of documents containing text communications between Plaintiff and two third parties. (See Dkt. 108.) The Court has reviewed the documents in camera.

Under the protective order agreed to by the parties and entered by the Court at Dkt. 29, the parties may designate as Confidential, inter alia, "information of a personal or intimate nature regarding any individual."

The nature of the communications may reasonably be viewed as "personal" in nature; however, the potentially confidential nature of the documents is weakened in that the communications are between Plaintiff and third parties, neither of whom is suggested to be the basis of any privileged or protected relationship. Plaintiff's assertion that the documents disclose mental health issues is not borne out by the documents, at least not in any explicit way. At the same time, the Court is conscious of Plaintiff's concern with how the documents may be used. (See Dkt. 115.)

Accordingly, the Court rules as follows. Any portion of the documents that refer to or depict drugs or alcohol shall remain designated as Confidential. All other material from

the 25 pages shall be de-designated and no longer designated as Confidential. However, Defendant may use that material solely for purposes of the litigation.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: September 22, 2023  
New York, New York

Copies transmitted this date to all counsel of record.